

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

PAUL SPIVAK
34099 Melinz Pkway
Unit E
Eastlake, OH 44095

Plaintiff,

v.

CAMERON D. FRAKER
400 Woodland Point
Linn Creek, MO 65052

Defendant.

) CASE NO.: 1:19-CV-00087-DAP
)
) JUDGE: DAN AARON POLSTER
)
) MAGISTRATE JUDGE: THOMAS M.
) PARKER
)
)
)
) **AMENDED COMPLAINT FOR**
) **DEFAMATION & VIOLATION OF**
) **ORC 4165.02(A)(10) DECEPTIVE**
) **TRADE PRACTICES ACT**
)
) (JURY DEMAND ENDORSED HEREIN)

Plaintiff, Paul Spivak. ("Plaintiff"), for the Complaint against Defendant, Cameron Fraker ("Defendant"), states as follows:

1. Plaintiff, is a business in Lake County, Ohio at the above captioned address.
2. Defendant, Cameron Fraker ("Defendant"), is an individual who resides at the above captioned address.
3. The Defendant published false and defamatory statements on the following website URL about Plaintiff: <https://www.ripoffreport.com/reports/us-lighting-group-uslg-intellitronix-corp-paul-spivak/eastlake-ohio/us-lighting-group-uslg-intellitronix-corp-paul-spivak-paul-spivakchuck-pettiolga-sm-1424065> (the "Report"). A copy of the Report is attached hereto as Exhibit A
4. The Report accuses Plaintiff of having a "bogus warranty," not delivering products on "new order," and "Theft of Downpayments." The Report also falsely alleges that Plaintiff demonstrates this pattern of conduct with all of its distributors, doesn't return phone calls for over

a six month period, refuses to refund money to Defendant he is owed, and refused to deliver new product ordered and paid for. Defendant also attaches a false and misleading photograph of lightbulbs to support his claims.

5. The statements in the Report are false and the Report is defamatory per se and because it impugns Plaintiff's reputation, injuriously affects the Plaintiff's business, and accuses Plaintiff of committing the crime of theft.

6. The Defendant authored and published the false Report in the course and scope of his business as a distributor of US Lighting Group, and the false Report constitutes a violation of Ohio Revised Code 4165.02(A)(10).

7. The Defendant authored and published the report without privilege or authorization. Plaintiff is informed and believes, and, upon that basis, alleges that the Report was written and published with malice and made with knowledge of its falsity.

8. Plaintiff is further informed and believes, and upon that basis, asserts that such Report has been viewed, read, and specifically directed and communicated to people in Lake County, Ohio for the purpose of damaging Plaintiff's reputation in his community.

9. As a direct and proximate result of the Statements, Plaintiff has suffered significant reputational harm and sustained actual damages including, but not limited to, loss of capital and revenue, lost productivity, emotional distress, expenses incurred, and loss of intangible assets in an amount exceeding Twenty-Five Thousand Dollars (\$75,000.00), with the exact amount to be proven at trial.

10. Plaintiff requests a permanent injunction halting the continued dissemination of the false statements described herein, and further ordering Defendant to remove the statements from the Internet and requests Google, Bing, Yahoo! and other search engine

providers to remove the website listed from their respective search results. Without a permanent injunction judgment of this Court, Defendant's false statements will continue to cause great and irreparable injury to Plaintiff.

WHEREFORE, Plaintiff, Paul Spivak, demands judgment against Defendant, as follows:

- (a) Permanent injunctive relief that the Defendant is:
 - i. prohibited from creating or publishing statements about Plaintiff, Plaintiff's family, agents, servants, attorneys, representatives, products, goods, or services which defame, disparage, or contain libelous statements about Plaintiff;
 - ii. ordered to take all actions necessary to remove any of the Statements published from the Internet, including but not limited to, requesting removal of the Statements from the website where they are posted and from Internet search engines, including Google, Yahoo!, and Bing, and the website where the Statements are published; and,
 - iii. that Plaintiff is authorized to act on Defendant behalf to request and pursue equitable relief to remove the Report.
- (b) Actual and/or compensatory damages, and punitive damages where available, in an amount exceeding \$75,000.00 with the exact amount to be proven at trial;
- (c) Costs of this action, reasonable attorney fees, and pre- and post-litigation interest at the maximum rate provided by law;
- (c) Issuance by this Court of an Order decreeing that the Statements are false and defamatory;
- (c) For any and all other relief to which the Court determines Plaintiff is entitled.

Respectfully submitted,

/s/ Aaron M. Minc

Aaron M. Minc (0086718)

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JURY DEMAND

Plaintiff, Paul Spivak, hereby demands a trial by jury pursuant to Civil Rule 38.

/s/ Aaron M. Minc

Aaron M. Minc (0086718)

Attorney for Plaintiff